IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL

Criminal Misc. Transfer Application No. 14 of 2001
(Old No. 243 of 1999)

Jaideep Singh Negi
S/o Sri Jaikrit Singh Negi
R/o Rani Pokhari
P.S. Rishikesh
District Dehradun ... Applicant

Versus

State ... Respondent

Sri Lokendra Dobhal learned counsel for the applicant
Sri H.C. Pandey learned counsel for the State

Hon'ble B.C. Kandpal, J.

This petition has been filed under Section 407 of the Cr.P.C. seeking transfer of the Sessions Trial No. 33 of 1990 State Vs. Jaideep Negi & others under Section 307 I.P.C. pending in the court of Sessions Judge, Pauri Garhwal to any other court of competent jurisdiction at Tehri Garhwal.

Learned counsel for the applicant has submitted that there is a danger to the life of the applicant from local politicians. He has further submitted that in case, if the case is not transferred from Pauri Garhwal then the safety of the applicant would be put in danger.

Learned A.G.A. has raised an objection by making the submission that mere apprehension to the application is not sufficient ground to transfer the case. He has assured the court whenever the applicant attends the court at Pauri Garhwal he shall be provided police protection.

In view of the aforesaid circumstances, I am of the view that this petition does not bear any force and is liable to be dismissed.

However, the Inspector General, Pauri Garhwal Region is directed to make arrangement for taking the applicant, if need be, in police protection from Dehradun to the court of Pauri Garhwal on the date of hearing and return safely to his house at his own cost as and when required. The applicant shall bear the expenses at his own cost.

With the aforesaid direction, the petition is disposed of accordingly.

(B.C. Kandpal, J.)

09.02.2005
ASWAL